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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,727

Applicant(s)

LAW ET AL.

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Examiner notes that Claims 1 & 9 have been amended, and no Claims have been cancelled or added. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 5 October 2004 as reiterated herein below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11, 13-17 & 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent Pub. US 2002/0089548 A1 to Marler.

3. Regarding Claims 1, 9, 13, 14 & 21, Shaw discloses a transmit-only, (or receive only – per pending Claim 9), apparatus and method comprising:

- a protocol stack including, (or excluding – per pending Claims 13 & 21) selected portions of the protocol used only for transmitting or only for receiving data, (Fig. 13; Col. 1, lines 13-67; Col. 2, lines 1-23; Col 19, lines 23-40 & Claims 1-26);

- configuring said transmit-only protocol stack in a transmit-only wireless device for transmitting data, (Col. 23, lines 37-45); and
- a transceiver communicatively coupled to said protocol stack and configured to physically transmit or receive said data, (Fig. 13 & Col. 19, lines 23-40).

4. Though Shaw teaches the use of wireless communication, (Col. 22, lines 58-64), Shaw does not specifically enumerate the use of Bluetooth technology. Marler discloses the use of Bluetooth wireless technology, (Marler – paragraph #0012). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the well-known Bluetooth wireless technology within the Shaw transmit/receive method as a means of transmitting and receiving information without the use of cumbersome wires, improving efficiency of electronic communication, (Shaw – Col. 1, lines 13-22). Examiner further notes that as Shaw discloses the enabling of a computing apparatus to exclusively transmit or receive, Shaw renders obvious Applicants transmit-only or receive-only protocol stack(s) and respective transceivers. Thus, Claims 1, 9, 13, 14 & 21 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

5. Regarding Claims 2, 3, 10, 15, 16, 22 & 23, Shaw in view of Marler is relied upon for those teachings disclosed herein. Shaw further discloses an apparatus and method further comprising a wireless keyboard, (per pending Claims 2, 15 & 22), mouse, (per pending Claims 3, 16 & 23) or personal computer, (per pending Claim 10), enclosure within which said protocol stack and said transceiver could obviously be configured

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configured, (Col. 1, lines 13-22). Examiner notes that it would have been obvious to incorporate the transceiver and Bluetooth technology into any computer or computer peripheral device for wireless communication convenience. Examiner further notes that the incorporation of Bluetooth wireless technology into the Marler remote control device renders Applicant's placement of the same within communication device(s) obvious. Thus, Claims 2, 3, 10, 15, 16, 22 & 23 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

6. Regarding Claims 4, 11, 17 & 24, Shaw in view of Marler is relied upon for those teachings disclosed herein. Shaw further discloses a data source capable of generating said data, (per pending Claims 4, 17 & 24) as well as a data sink capable of processing said data, (per pending Claim 11), (Col. 19, lines 23-40; Col. 22, lines 58-64 & Col. 23, Lines 37-45). Thus, Claims 4, 11, 17 & 24 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

7. Claims 5-8, 12 & 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent Pub. US 2002/0089548 A1 to Marler in further view of US Patent 5,706,278 to Robilliard.

8. Regarding Claims 5-8, 12 & 18-20, Shaw in view of Marler is relied upon for those teachings disclosed herein. As noted above, Shaw discloses a bandwidth manager capable of reconfiguring bandwidth for time-sharing upgradability, (Col. 18, lines 39-56). Shaw, however, does not specifically enumerate a synchronization logic configured to synchronize data transmissions between said transmit-only apparatus and a second wireless apparatus by transmitting a synchronization packet prior to

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transmitting said data, said synchronization packet and said data being separated by a predetermined offset, said offset being usable by said second apparatus to identify said transmit-only apparatus, (per pending Claims 5, 12 & 18), and wherein said protocol stack is configured to encapsulate said data in a packet and cause said transceiver to transmit said packet twice in succession, (at two different frequencies – per pending Claim 8), within a predetermined window of time, (per pending Claims 6 & 19), wherein the predetermined window of time is 8.33 msec, (per pending Claims 7 & 20).

9. Robillard discloses a deterministic distributed fault tolerant network protocol capable of transmitting (and receiving messages) at a predetermined time, (Col. 2, lines 26-67 & Col. 3; Col. 4, lines 1-12; Col. 7, lines 17-51 & Claims 1-33), using a timing beacon. It would have been obvious to combine the teachings of Shaw and Robillard as within a distributed fault tolerant system, data latencies are reduced when bounded to some known and predictable value, (Col. 2, lines 16-22), which value should be upgradeable as needed. Examiner further notes that both Shaw and Robillard disclose bi-directional and unidirectional transmission/communication means for transmitting and receiving via transceiver technologies, (Col. 2, lines 25-35). Moreover, the use of predetermined time periods for transmission of message types obviously includes any amount of time and easily and obviously translates to a means for identifying transmission source. Moreover, the notion of a timing beacon renders successive and variable frequency transmissions obvious. Thus, Claims 5-8, 12 & 18-20 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler in further view of Robillard.

Response to Arguments

10. Applicant's arguments filed 16 December 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

11. Applicant argues that modification of the Shaw protocol stack to not include selected portions of the Bluetooth protocol would render Shaw unsatisfactory for its intended purpose, and Examiner respectfully disagrees. Examiner strongly notes Applicant's own wording wherein Applicant notes that Shaw teaches, "being able to enable one of three modes of operation", (Amendment, p.9). Additionally, Examiner notes that Shaw requires, "means for enabling a selective group of said apparatus to be in receive-only, transmit-only, or transmit-and-receive mode", (Shaw, Claim 21). Thus, Examiner disagrees with Applicant's assertion that enabling one mode, (and thus disabling the other two modes), renders Shaw unsatisfactory, as Shaw clearly requires only one mode to be operational, and as such, Shaw is clearly and obviously able to be combined with the Bluetooth technology, (as taught by Marler), rendering Applicant's claims unpatentable.

12. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how the amendments avoid such references or objections, Examiner hereby rejects all claims in their entirety as noted herein above.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER